

ESTTA Tracking number: **ESTTA564521**

Filing date: **10/11/2013**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92054171
Party	Plaintiff Valeritas, Inc.
Correspondence Address	SHERI S MASON MORSE BARNES BROWN PENDLETON CITYPOINT, 230 THIRD AVENUE WALTHAM, MA 02451 UNITED STATES ttab@mbbp.com, tdunn@mbbp.com, sconolly@mbbp.com, smason@mbbp.com
Submission	Other Motions/Papers
Filer's Name	Sheri S. Mason
Filer's e-mail	ttab@mbbp.com
Signature	/Sheri S. Mason/
Date	10/11/2013
Attachments	Petitioner's Settlement Report (M0582428).PDF(69409 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Valeritas, Inc.,)	In the matter of U.S. Reg. No. 3,895,432
)	
Petitioner,)	For the Mark: VGO
)	
v.)	Filing Date: March 2, 2010
)	
VGo Communications, Inc.)	Registration Date: December 21, 2010
)	
Registrant.)	Cancellation No.: 92054171
)	

PETITIONER'S REPORT ON SETTLEMENT PROGRESS

During the extensions, the parties have continued settlement discussions, taken extensive written discovery, and conducted depositions of certain parties, namely:

- 06/24/2013: Deposition of Tom Ryden, COO, Vgo Communications, Inc.
- 08/14/2013: Deposition of Tara Charvat, Vice President, Marketing and Marketing Operations, Valeritas, Inc.
- 09/17/2013: Deposition of Kristine Peterson, CEO, Valertias, Inc.
- 09/21/2013: Deposition of Doug Geer, Independent Contractor for Vgo Communications, Inc.

Issues that have been resolved.

On or about October 2, 2013, the parties agreed in principle to resolve this dispute by entering into a co-existence agreement by which the Registrant agreed to revise its logo design, which is implicated in this proceeding because the specimen of use submitted by Registrant displays the logo design on the product.

Issues that remain to be resolved.

The parties are currently negotiating the terms of the co-existence agreement.

A firm timetable for resolution.

Barring any extraordinary issues, the parties intend to resolve this matter by November 25, 2013.

Respectfully Submitted,

Dated: October 11, 2013

VALERITAS, INC.

By: 

Sheri S. Mason

Thomas F. Dunn

Scott J. Connolly

Morse, Barnes-Brown & Pendleton, P.C.

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CERTIFICATE OF SERVICE

I, Sheri S. Mason, certify that a copy of the foregoing PETITIONER'S REPORT ON SETTLEMENT PROGRESS was served on:

Michael J. Bevilacqua, Esq.
Barbara A. Barakat, Esq.
John V. Hobgood, Esq.
Wilmer Cutler Pickering Hale & Dorr LLP
60 State Street
Boston, Massachusetts 02109

by email this 11th day of October 2013.



Sheri S. Mason
Counsel for Valeritas, Inc.